

AO 91 (Rev. 01/09) Criminal Complaint

FILED
APR 15 2025
AT 10 O'CLOCK
John M. Domurad, Clerk - Plattsburgh, NY

UNITED STATES DISTRICT COURT
for the
NORTHERN District of NEW YORK

United States of America)
v.)
Van Dung NGO, Quoc Hung PHAN, and Thi Huong)
TRAN)
Defendant)
Case No. 8:25-MJ-112 (GLF)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 13, 2025 in the county of Franklin in the NORTHERN District of NEW YORK, the defendant violated 8 U. S. C. § 1325 (a)(2) offenses described as follows:

The defendants, citizens of Vietnam, did knowingly and unlawfully elude examination and inspection by immigration officers, as they entered the United States from Canada.

Complainant's signature

Benjamin W. LaBaff, United States Border Patrol
Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: April 15, 2025

Garry L. Favro

Judge's signature

Garry L. Favro, U.S. Magistrate Judge, N.D.N.Y.

City and state: Plattsburgh, New York

This criminal complaint is based on these facts:

On April 13, 2025, at approximately 11:30 p.m., Massena Border Patrol Agents responded to a report from the Akwesasne Mohawk Tribe Police of a possible smuggling event taking place on St. Regis Road, on the Akwesasne Mohawk Reservation. Border Patrol Agents responded immediately to the area in question and observed a Black Ford Taurus with New York Registration leaving the area, traveling southbound on St. Regis Road from the United States and Canadian Border. The vehicle was then observed by Massena Border Patrol Agents turning east bound on State route 37, leaving the Akwesasne Mohawk Reservation. While following the vehicle Agents were able to observe that there were multiple subjects in the vehicle. Agents eventually conducted an Immigration stop on State Route 11 in the Town of Burke, New York. During the vehicle stop, seven passengers, that were identified to be Vietnamese nationals were encountered, along with a United States Driver.

NGO, Van Dung, PHAN, Quoc Hung, and TRAN, Thi Huong, were encountered on the vehicle stop conducted by Massena Border Patrol Agents. The subjects failed to present any immigration documents to the Agents to be in the United States legally. All parties were placed under arrest and transported back to the Massena Border Patrol Station for further processing and investigation along with their property.

Fingerprints of the three subjects were taken utilizing the IDENT/IAFIS system and it was discovered none of the subjects had any record of previous entries nor being in the United States legally. The subjects possessed no valid immigration status in the United States and were not admitted or paroled into the US. Canadian authorities were contacted and stated that all three of the subjects were currently in Canada on a refugee status.

During questioning the subjects were issued Miranda warnings and agreed to speak with agents. During questioning the subjects stated that they crossed illegally into the United States utilizing a boat on the Akwesasne Mohawk Reservation.

PHAN and NGO, Vietnamese nationals, were found to possess a valid Canadian Work permits to be laborers. TRAN was in possession of boarding passes displaying she arrived at the Toronto International Airport on April 8, 2025, arriving from Hong Kong.